

POLICY

Board of Education

Bernards Township

File Code: 5620

EXPULSION

The Board of Education recognizes that expulsion from this District is the most severe sanction that can be imposed upon a pupil. No pupil will be expelled from this District before other reasonable and appropriate means of discipline have been exhausted.

For the purpose of this policy, "expulsion" means the permanent exclusion of a pupil from the regular education program of the District. A pupil may be expelled from this District only on formal action of the Board duly taken. Pupils with disabilities when necessary shall be expelled in accordance with Policy and Procedure #2460.

Pupils with educational disabilities are subject to the same discipline policies and procedures as non-disabled pupils, unless the pupil's individualized educational plan includes exemptions to those policies or procedures. The discipline of an educationally disabled pupil must consider his/her educational disability and educational needs. When expulsion is recommended for a pupil previously determined to be educationally disabled, the child study team shall conduct a re-evaluation to determine whether the pupil's behavior is primarily caused by his or her disability condition and whether the pupil's program meets his or her educational needs.

If upon completion of the re-evaluation, the child study team determines the pupil's behavior was primarily caused by his or her educational disability, the District may not expel the pupil. However, the child study team may propose a change in the pupil's placement. At no time shall the Board cease educational services to that pupil.

The Board shall not act to expel any pupil, previously determined to be educationally disabled, before the report of the child study team has been issued to the Board.

A pupil for whom expulsion is recommended shall be offered the opportunity for a formal hearing before the Board, which shall include written notice of the date, place, and time of the hearing and of the specific charges against the pupil; an opportunity for the pupil to be heard in his or her own behalf and to cross-examine adverse witnesses; representation by the pupil's counsel and a written record of the hearing and a copy of the transcript of the proceedings. Hearings will be held in private, except that a pupil may request and the Board may, in its discretion, grant a public hearing. A pupil that has been appropriately expelled from the district's regular education program must be afforded by the Board an alternative education program until the pupil graduates from high school or reaches their nineteenth birthday, whichever comes first. The pupil shall be informed of the right to appeal the decision of the Board to the Commissioner of Education.

LEGAL: N.J.S.A. 18A:37-1 et seq.
N.J.A.C. 6:28-2.8

ADOPTED: December 15, 2003